

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

SEP 27 2022

In the matter of:)	Case No. 22DOEBEE0013
)	BOEE Case No. 21-100
BRANDON KIRCHHOFF,)	
Folder # 359887)	
Respondent.)	SETTLEMENT AGREEMENT
)	AND FINAL ORDER

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. Respondent holds a PROFESSIONAL AMINISTRATOR LICENSE (FOLDER # 359887) with the following endorsements: PK-12 Principal/PK-12 Special Education Supervisor and Evaluator. This license is current and will next expire on June 30, 2024. Respondent previously held Master Educator License with the following endorsements: K-6 Teacher Elementary Classroom; K-8 English/Language Arts; and K-8 Social Studies, which expired on June 30, 2021.

2. During all material events of this case, Respondent was employed as a Principal with the Andrew Community School District.

3. On August 6, 2021, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics

4. On October 15, 2021, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph 5 below.

5. Respondent was charged with (1) failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c); (2) conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement, in violation of 282 Iowa Administrative Code rule 25.3(6)(d); (3) engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin, in violation of 282 Iowa Administrative Code rule 25.3(6)(e); (4) failure of an administrator to meet mandatory reporter obligations in violation of 282 Iowa Administrative Code rule 25.3(6)(t); and (5) willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa, in violation of 282 Iowa Administrative Code rule 25.3(8)(a).

6. Investigation revealed violations of various charges, including boundary concerns and improper discussions with employees.

7. Since the above events, Respondent has completed a workplace sexual harassment awareness course for supervisors.

SETTLEMENT AGREEMENT

8. This Settlement Agreement and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

9. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

a. Respondent accepts a **PUBLIC REPRIMAND**.

b. Respondent accepts a **SUSPENSION** of his license(s) for a minimum of **SIX (6) MONTHS**. The suspension shall be **DEFERRED**. Respondent agrees he bears the burden of applying for release of the deferred suspension pursuant to 282 Iowa Administrative Code 11.34 and that he bears the burden of proving that the basis for his deferred suspension no longer exists and that it will be in the public interest to fully reinstate his license(s). Additionally, Respondent agrees he is not eligible for full reinstatement or to apply for any other license or authorization issued by the Board until he satisfactorily completes the requirements of subparagraphs (c), (d), and (f) below.

i. In the event (1) the Respondent does not complete the evaluation required in subparagraph (f) below within a reasonable time; or (2) the Respondent fails to comply with ongoing counseling requirements; or (3) if there is a finding of a new sexual harassment violation in the workplace

during the period of the deferred suspension; a suspension order shall immediately issue.

ii. If the suspension order issues as a result of one of the provisions in paragraph (9)(b)(i), the Respondent's license(s) shall be suspended for a period of not less than one (1) year from the date of the order. Respondent would still bear the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code rule 11.34, as described above.

iii. Respondent is entitled to a limited and expedited hearing (within 30 days) on whether a provision set forth in paragraph (9)(b)(i) has been met if the suspension order issues.

c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEL.

d. Respondent agrees to successfully complete a course in recognizing and reporting child abuse (which shall not be a mandatory reporter course), preapproved by the Board's Executive Director.

e. Respondent is responsible for all costs associated with the completion of the required educational courses identified in subparagraphs (c) and (d) above. Respondent shall provide the Board with proof of completion of the required courses within one (1) year of the Board's acceptance of this Settlement Agreement. Respondent's license shall be immediately suspended if proof of completion is not timely received by the Board. In addition, education hours earned through the required courses listed above may not be used toward continuing education requirements.

f. Respondent agrees to undergo a mental health evaluation that includes an assessment of his ability to establish and maintain appropriate boundaries in the workplace. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Settlement Agreement and Final Order prior to the mental health evaluation. Respondent must also sign a release to allow any of the three complainants that want to provide information about their concerns the ability to speak to the evaluator prior to the evaluation.

i. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the mental health evaluation.

ii. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete

any recommended counseling until maximum benefits are reached, which shall be for a minimum period of at least six (6) months. Respondent shall ensure quarterly reports are provided to the Board from the therapist until his release from counseling.

iii. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for full reinstatement until the Board determines he has satisfactorily completed this requirement.

LICENSEE DECLARATION

I understand that this Settlement Agreement and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Settlement Agreement and Final Order to the Board ex parte.

I agree to comply with the requirements set forth in the stipulations and requirements of this Settlement Agreement and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that the Statement of Charges, and the Settlement Agreement and Final Order are public records, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

9-23-2022
Date

Brandon Kirchhoff
BRANDON KIRCHHOFF, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.
2. Respondent's license(s) is SUSPENDED for a minimum of SIX MONTHS. The suspension shall be DEFERRED. Respondent bears the burden upon request for reinstatement to prove that the reason for suspension no longer exists and that it will be in the public interest to reinstate his license. Additionally, Respondent is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until he satisfactorily completes the requirements of paragraphs (3), (4), and (5) below.
 - a. In the event (1) the Respondent does not complete the evaluation required in subparagraph (f) below within a reasonable time; or (2) the Respondent fails to comply with ongoing counseling requirements; or (3) if there is a finding of a new sexual harassment violation in the workplace during the period of the deferred suspension; a suspension order shall immediately issue.
 - b. If the suspension order issues as a result of one of the provisions in paragraph (2)(a), the Respondent's license(s) shall be suspended for a period of not less than one (1) year from the date of the order. Respondent would still bear the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code rule 11.34, as described above.
 - c. Respondent is entitled to a limited and expedited hearing (within 30 days) on whether a provision set forth in paragraph (2)(a) has been met if the suspension order issues.
3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators" or "Ethical Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course within ONE (1) YEAR from the date of this Order or his license shall be immediately suspended. These hours shall not be used toward continuing education requirements.
4. Respondent shall successfully complete a course on recognizing and reporting child abuse, which shall not be a mandatory reporter course, preapproved by the Board's Executive Director. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the special education law course within ONE (1) YEAR from the date of this Order or his license shall be suspended. These hours shall not be used toward continuing education requirements.

5. Respondent shall undergo a mental health evaluation that includes an assessment of his ability to establish and maintain appropriate boundaries in the workplace. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Settlement Agreement and Final Order prior to the mental health evaluation. Respondent shall also sign a release to allow any of the complainants to provide information about their concerns to the evaluator prior to the evaluation.

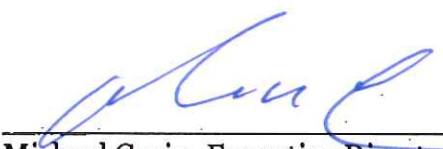
a. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the mental health evaluation.

b. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended counseling until maximum benefits are reached, which shall be for a minimum period of six months. Respondent shall further ensure quarterly reports are provided to the Board from the therapist until his release from counseling.

c. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement until the Board determines he has satisfactorily completed this requirement.

6. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 14th day of October, 2022.



Michael Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Brandon Kirchhoff
RESPONDENT

Mikkie Schiltz
ATTORNEY FOR RESPONDENT

Kristi A. Traynor
ATTORNEY FOR THE STATE

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of)	Case No. 21-100
)	Folder No. 359887
BRANDON KIRCHHOFF,)	
)	NOTICE OF HEARING
Respondent.)	AND STATEMENT OF CHARGES

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Friday, January 28, 2022 before Administrative Law Judge Tricia Johnston acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. at the Department of Inspections and Appeals, Wallace State Office Bldg., Third Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. Please report to the main floor atrium (2nd floor) and call 515-281-6468 upon your arrival for assistance.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Kristi A. Traynor
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-5309

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Michael Cavin, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Traynor at (515) 281-5309.

B. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

7. Respondent is charged with failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c).

Count II

8. Respondent is charged with conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement, in violation of 282 Iowa Administrative Code rule 25.3(6)(d).

Count III

9. Respondent is charged with engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin, in violation of 282 Iowa Administrative Code rule 25.3(6)(e).

COUNT IV

10. Respondent is charged with failure of an administrator to meet mandatory reporter obligations, in violation of 282 Iowa Administrative Code rule 25.3(6)(t).

COUNT V

11. Respondent is charged with willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa, in violation of 282 Iowa Administrative Code rule 25.3(8)(a).

C. JURISDICTION AND LEGAL AUTHORITY

12. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

D. FACTUAL CIRCUMSTANCES

13. Respondent holds a PROFESSIONAL AMINISTRATOR LICENSE (FOLDER # 359887) with the following endorsements: PK-12 Principal/PK-12 Special Education Supervisor; and Evaluator. This license is current and will next expire on June 30, 2024. Respondent previously held Master Educator License with the following endorsements: K-6 Teacher Elementary Classroom; K-8 English/Language Arts; and K-8 Social Studies, which expired on June 30, 2021.

14. During all material events of this case, Respondent was employed as a Principal with the Andrew Community School District.

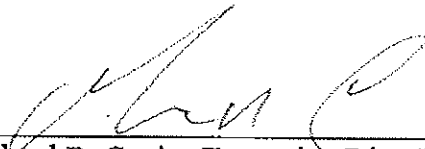
15. On August 6, 2021, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On October 15, 2021, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

16. Investigation revealed that Respondent engaged in inappropriate physical interactions, sexual and otherwise inappropriate comments, inappropriate inquiries about employee's medical information, and ongoing sexual harassment of staff members. Respondent's conduct often took place in the presence of students. Respondent also discouraged staff from reporting suspected child abuse in violation of mandatory reporting laws; used derogatory name calling toward students; allowed members of the public to possess and consume alcohol on school grounds; and unlocked an office containing confidential records and left it unlocked.

E. SETTLEMENT

17. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 1st day of December, 2021.



Michael D. Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Brandon Kirchhoff (first-class mail and certified mail)
RESPONDENT

Christy A. A. Hickman (electronic mail)
ATTORNEY FOR COMPLAINANTS

Kristi A. Traynor (electronic mail)
ATTORNEY FOR THE STATE